

HOUSE No. 4959

Substituted by the House, on motion of Mr. Pedone of Worcester, for a Bill relative to controlled substances and medical treatment (House, No. 1653). July 30, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

RESOLVE providing for an investigation and study by a special commission relative to certain legal protections for persons seeking emergency medical care for a drug overdose.

1 **Resolved**, That a special commission is hereby established for the purposes of making an investigation
2 and study relative to the social and human benefits of providing certain legal protections to a person,
3 acting in good faith, who seeks emergency medical care for himself or another person when there is
4 reason to believe that he or the other person is experiencing a drug-related overdose. The commission
5 shall examine what benefits come from prohibiting any charge or prosecution for possession of a
6 controlled substance from evidence obtained as a result of seeking that medical assistance. The
7 commission shall consider benefits including, but not limited to, the willingness of persons who abuse
8 such substances to come forward and seek medical attention; the potential to stop substance abuse,
9 particularly the epidemic of opiate abuse, including OxyContin and other prescription and illicit drugs
10 including, but not limited to, Duragesic, Klonopin, Methadone, Morphine, Vicodin, as well as their
11 generic equivalents, and cocaine, heroin, GHB, and MDMA; and the potential to promote recovery, to
12 protect families and children who may be profoundly impacted by such abuse, and to save lives.

13 The commission shall consist of 12 members, including: 3 members of the house of representatives, 1 of
14 whom shall be appointed by the speaker of the house of representatives as co-chair and 1 of whom shall
15 be appointed by the minority leader; 3 members of the senate, 1 of whom shall be appointed by the
16 president of the senate as co-chair and 1 of whom shall be appointed by the minority leader; the
17 commissioner of public health or a designee; the commissioner of mental health or a designee; a designee
18 of the Massachusetts Chiefs of Police Association; and 3 persons appointed by the governor, one of
19 whom shall be a relative of a person who has died from a drug overdose.

20 All appointments shall be made not later than 30 days after the effective date of this resolve. The
21 chairpersons shall meet with the commission not later than 60 days after the effective date of this resolve.

22 Not later than June 30, 2011, the commission shall report to the general court the result of its
23 investigation and study and its recommendations, if any, together with drafts of legislation necessary to
24 carry its recommendations into effect by filing the same with the clerk of the house of representatives
25 who shall forward the same to the joint committee on mental health and substance abuse, the joint
26 committee on public health and the joint committee on the judiciary.